

MONDAY, FEBRUARY 22, 2010

FIFTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Justin Randolph of Poplar Grove Baptist Church in Cookeville, Tennessee, a guest of Senator Yager.

PLEDGE OF ALLEGIANCE

Senator Yager led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

February 22, 2010

The Honorable Ron Ramsey
Speaker of the Senate
One Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker:

This is to request your excuse for my absence from Session today, February 22, 2010. I have some personal matters which cannot be delayed.

I appreciate your consideration of this request.

Sincerely,

/s/ Jim Kyle

APPROVED: Lieutenant Governor
Ron Ramsey

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PRESENTATION

Senator Ketron introduced representatives of the Tennessee Chapters of the Boy Scouts of America who presented the 2009 report of the State.

MOTION

Senator Crowe moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 803**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 803 by Mr. Speaker Ramsey.
Memorials, Personal Achievement -- Dr. R. Michael Browder, Ned R. McWherter Leadership Award.

On motion of Senator Crowe, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 803** was adopted.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3927** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3927 by Senator Black.
Springfield -- As introduced, subject to local approval, conforms board of mayor and aldermen action that must be exercised by ordinance to the general law requirements. Amends Chapter 1 of the Private Acts of 1989.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 381, 699, 2415, 2487, 2669 and 2741** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 381 -- Commerce and Insurance, Dept. of -- As introduced, allows commissioner to initiate investigation under the Tennessee Insurance Producer Licensing Act of 2002 upon receiving a written complaint from a member of the public or determination by commissioner that "good cause" exists that a violation occurred. Amends TCA Title 56, Chapter 6 and Title 56, Chapter 8.

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House Bill No. 699 -- Judges and Chancellors -- As introduced, clarifies that a retired judge or a general sessions judge may administer the required oath to support the constitutions to an inferior court judge. Amends TCA Title 17.

House Bill No. 2415 -- Anderson County -- As introduced, subject to local approval, repeals charter provision requiring deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with register's office.

House Bill No. 2487 -- Palmer -- As introduced, subject to local approval, amends the charter of Palmer to grant four-year terms of office to the town's mayor and two of the four aldermen receiving the most votes in the 2010 election; thereafter, all four aldermen shall have four-year terms of office. Amends Chapter 318 of the Private Acts of 1925; as amended by Chapter 129 of the Private Acts of 1986, Chapter 166 of the Private Acts of 1990, Chapter 109 of the Private Acts of 2006, and any other acts amendatory thereto.

House Bill No. 2669 -- Lottery, Charitable -- As introduced, extends deadline for applications for 2009-2010 annual events from 15 days after May 7, 2009, to five days after this act becomes law; requires secretary of state to submit third omnibus list for 2009-2010 annual events. Amends TCA Title 3, Chapter 17, Part 1.

House Bill No. 2741 -- Cleveland -- As introduced, subject to local approval, amends the charter of Cleveland to clarify that a vacancy shall occur if the mayor or a council member fails to attend three consecutive regular meetings of the city council, and further changes the required 13-day lapse between the first and second reading of an ordinance to a 12-day lapse. Amends Chapter 78 of the Private Acts of 1993; as amended.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3924 through 3926** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 3924 Local bill -- held on desk.

Senate Bill No. 3925 Local bill -- held on desk.

Senate Bill No. 3926 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 801, 802 and 804 through 809**; and **Senate Resolutions Nos. 196 through 199** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 801 by Senator Burchett.

Naming and Designating -- Designates March 13, 2010, as "K-9 Veterans Day" in Tennessee.

Senate Joint Resolution No. 802 by Senator Black.

Memorials, Sports -- Gene Beck, TSSAA Hall of Fame.

Senate Joint Resolution No. 804 by Senator Yager.

Memorials, Professional Achievement -- Stephanie S. Walker, Special Education Supervisor of the Year for East Tennessee.

Senate Joint Resolution No. 805 by Senator Yager.

Memorials, Recognition -- The Cornstalk District, Harriman, Best Old-House Neighborhood of 2010.

Senate Joint Resolution No. 806 by Senator Yager.

Memorials, Death -- Grover Stanley Dalton.

Senate Joint Resolution No. 807 by Senator Berke.

Memorials, Sports -- Dr. John Farr, Fred Gregg, Jr., Award.

Senate Joint Resolution No. 808 by Senator Berke.

Memorials, Professional Achievement -- John Graham, 2009 Robert M. Wormsley Outstanding County Official of the Year.

Senate Joint Resolution No. 809 by Senator Berke.

Memorials, Recognition -- Lt. Commander Carol McKenzie.

Senate Resolution No. 196 by Senator Burchett.

Memorials, Sports -- Michael Wright, USA Diving One-Meter Springboard National Champion.

Senate Resolution No. 197 by Senator Burchett.

Memorials, Recognition -- Stavroula Christopoulos, 2010 Prudential Spirit of Community Award.

Senate Resolution No. 198 by Senator Tracy.

Memorials, Retirement -- Perry E. Register.

Senate Resolution No. 199 by Senator McNally.

Memorials, Recognition -- Tennessee Youth State Conference.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 803, 822, 824 through 829, 831 and 835 through 838; and Senate Joint Resolutions Nos. 799 and 800** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 803 -- Memorials, Public Service -- Congressman Zach Wamp.

The Speaker announced that he had referred House Joint Resolution No. 803 to the Committee on Calendar.

House Joint Resolution No. 822 -- Memorials, Personal Occasion -- Lula Mae Bell Tillman, 105th birthday.

The Speaker announced that he had referred House Joint Resolution No. 822 to the Committee on Calendar.

House Joint Resolution No. 824 -- Memorials, Recognition -- Zackery Lystedt Brain Project.

The Speaker announced that he had referred House Joint Resolution No. 824 to the Committee on Calendar.

House Joint Resolution No. 825 -- Memorials, Personal Achievement -- Ryan Newell, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 825 to the Committee on Calendar.

House Joint Resolution No. 826 -- Memorials, Personal Occasion -- Sarah Moore Greene, 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 826 to the Committee on Calendar.

House Joint Resolution No. 827 -- Memorials, Death -- Jaycee Rawlings.

The Speaker announced that he had referred House Joint Resolution No. 827 to the Committee on Calendar.

House Joint Resolution No. 828 -- Memorials, Death -- Billy Joe "Red" Lamb.

The Speaker announced that he had referred House Joint Resolution No. 828 to the Committee on Calendar.

House Joint Resolution No. 829 -- Memorials, Professional Achievement -- Larry Crumley, 2010 Farm Expo Farmer of the Year.

The Speaker announced that he had referred House Joint Resolution No. 829 to the Committee on Calendar.

House Joint Resolution No. 831 -- Memorials, Recognition -- Meredith Medlin, 2010 Prudential Spirit of Community Award.

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The Speaker announced that he had referred House Joint Resolution No. 831 to the Committee on Calendar.

House Joint Resolution No. 835 -- Memorials, Recognition -- Robert J. Morgan.

The Speaker announced that he had referred House Joint Resolution No. 835 to the Committee on Calendar.

House Joint Resolution No. 836 -- Memorials, Death -- Cpl. Jeremy McLaren.

The Speaker announced that he had referred House Joint Resolution No. 836 to the Committee on Calendar.

House Joint Resolution No. 837 -- Memorials, Heroism -- Dodie Kellum.

The Speaker announced that he had referred House Joint Resolution No. 837 to the Committee on Calendar.

House Joint Resolution No. 838 -- Memorials, Recognition -- J. B. Napier, Napier Farm, Century Farm.

The Speaker announced that he had referred House Joint Resolution No. 838 to the Committee on Calendar.

Senate Joint Resolution No. 799 -- Memorials, Heroism -- Rick McMillan.

The Speaker announced that he had referred Senate Joint Resolution No. 799 to the Committee on Calendar.

Senate Joint Resolution No. 800 -- Memorials, Death -- Senator Anna Belle Clement O'Brien.

The Speaker announced that he had referred Senate Joint Resolution No. 800 to the Committee on Calendar.

MOTION

Senator Tracy moved that Rule 37 be suspended for the immediate consideration of **Senate Resolution No. 198**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 198 -- Memorials, Retirement -- Perry E. Register.

On motion of Senator Tracy, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 198** was adopted.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 788 -- Memorials, Recognition -- Katelin R. Kennedy, Miss Tennessee High School 2010.

House Joint Resolution No. 804 -- Memorials, Academic Achievement -- Kaleb Wolfe, John W. Harris Leadership Award.

House Joint Resolution No. 805 -- Memorials, Personal Achievement -- Anthony Christopher Long, Eagle Scout.

House Joint Resolution No. 808 -- Memorials, Congratulations -- Theta-Delta Chapter of Phi Alpha Theta National Honor Society, Austin Peay State University, 2009 Best Chapter of the Year Award, Division III.

House Joint Resolution No. 809 -- Memorials, Recognition -- Dr. Nathan Ford, Cocke County Education Foundation's Celebrate Our Success Award.

House Joint Resolution No. 810 -- Memorials, Death -- Staff Sergeant Rusty Christian, United States Army.

House Joint Resolution No. 811 -- Memorials, Personal Achievement -- Jesse Logan Hackworth, Eagle Scout.

House Joint Resolution No. 812 -- Memorials, Personal Achievement -- Christopher Malenfant, Eagle Scout.

House Joint Resolution No. 814 -- Memorials, Sports -- Clint Gobbell, Tennessee Baseball Coaches Association Player of the Year.

House Joint Resolution No. 815 -- Memorials, Sports -- Rick Haddock, Tennessee Baseball Coaches Association Hall of Fame.

House Joint Resolution No. 816 -- Memorials, Sports -- Greg Burleson, Summertown High School baseball coach.

House Joint Resolution No. 818 -- Memorials, Recognition -- Meeting of the Waters, 200th anniversary.

House Joint Resolution No. 819 -- Memorials, Academic Achievement -- Ryan Steven Redding, Salutatorian, Independence High School.

House Joint Resolution No. 821 -- Memorials, Personal Achievement -- Johnathan Crockett, Eagle Scout.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bills and resolution were placed at the heel of the calendar for Wednesday, February 24, 2010, pursuant to Rule 38: **Senate Bills Nos. 2587 and 3512**; and **Senate Joint Resolution No. 760**.

Senate Bill No. 983 -- Judges and Chancellors -- As introduced, clarifies that a retired judge or a general sessions judge may administer the required oath to support the constitutions to an inferior court judge. Amends TCA Title 17.

On motion, Senate Bill No. 983 was made to conform with **House Bill No. 699**.

On motion, House Bill No. 699, on same subject, was substituted for Senate Bill No. 983.

Senate Bill No. 2576 -- Planning, Public -- As introduced, extends the requirement that any land use decisions made by a legislative body or planning commission after the adoption of a general regional plan be consistent with the plan to also apply to a board of zoning appeals when such board is exercising its powers on matters other than variances. Amends TCA Section 13-3-304(b) and Section 13-4-202(b)(2)(B)(iii).

Senate Bill No. 2577 -- Planning, Public -- As introduced, changes reference from "regional planning commission" to "municipal planning commission" in regard to which entity's regulations have to have been met in order for the municipal planning secretary to be authorized to approve the subdividing of a tract into no more than two lots, without having to have approval of the entire commission. Amends TCA Section 13-4-302(a).

Senate Bill No. 2578 -- Planning, Public -- As introduced, authorizes planning commissions to promulgate provisions in its subdivision regulations, and recommend amendments to the zoning ordinance, for the establishment of review and approval powers for site plans and the establishment under zoning provisions for the review and approval of sustainable design and development of property. Amends TCA Title 13, Chapter 3, Part 4 and Title 13, Chapter 4, Part 3.

Senate Bill No. 2584 -- Children's Services, Dept. of -- As introduced, specifies that a court's placement recommendation regarding a child in the custody of the department shall be based on a preponderance of the evidence. Amends TCA Section 37-1-129.

Senate Bill No. 2585 -- Children -- As introduced, requires a court to find that the Department of Children's Services or licensed child-placing agency has made reasonable efforts to place a child for adoption and that it is in the best interest of the child before awarding guardianship to a permanent guardian. Amends TCA Section 36-1-113.

Senate Bill No. 3031 -- Education -- As introduced, allows LEAs greater flexibility in extending the school day in order to offset days used for professional development or weather-related closings. Amends TCA Section 49-6-3004.

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House Joint Resolution No. 749 -- Naming and Designating -- "Invasive Weed Awareness Week", February 22-27, 2010.

Senate Joint Resolution No. 759 -- General Assembly, Confirmation of Appointment -- Garry W. McNabb, Tennessee Education Lottery Corporation Board of Directors.

Senate Joint Resolution No. 778 -- Naming and Designating -- "National Crime Victims' Rights Week", April 18-24, 2010.

Senator Faulk moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2381 -- Anderson County -- As introduced, subject to local approval, repeals charter provision requiring deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with register's office.

On motion, Senate Bill No. 2381 was made to conform with **House Bill No. 2415**.

On motion, House Bill No. 2415, on same subject, was substituted for Senate Bill No. 2381.

Senate Bill No. 2611 -- Palmer -- As introduced, subject to local approval, amends the charter of Palmer to grant four-year terms of office to the town's mayor and two of the four aldermen receiving the most votes in the 2010 election; thereafter, all four aldermen shall have four-year terms of office. Amends Chapter 318 of the Private Acts of 1925; as amended by Chapter 129 of the Private Acts of 1986, Chapter 166 of the Private Acts of 1990, Chapter 109 of the Private Acts of 2006, and any other acts amendatory thereto.

On motion, Senate Bill No. 2611 was made to conform with **House Bill No. 2487**.

On motion, House Bill No. 2487, on same subject, was substituted for Senate Bill No. 2611.

Senate Bill No. 2706 -- Cleveland -- As introduced, subject to local approval, amends the charter of Cleveland to clarify that a vacancy shall occur if the mayor or a council member fails to attend three consecutive regular meetings of the city council, and further changes the required 13-day lapse between the first and second reading of an ordinance to a 12-day lapse. Amends Chapter 78 of the Private Acts of 1993; as amended.

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On motion, Senate Bill No. 2706 was made to conform with **House Bill No. 2741**.

On motion, House Bill No. 2741, on same subject, was substituted for Senate Bill No. 2706.

Senator Faulk moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CALENDAR

Senator Tracy moved that **Senate Bill No. 2530** be placed on the Calendar for Monday, March 1, 2010, which motion prevailed.

Senate Bill No. 2681 -- Election Laws -- As introduced, allows registrar to email a ballot to each member of the armed forces and each citizen temporarily outside the United States who is entitled to vote and who has submitted a valid application for a ballot. Amends TCA Title 2, Chapter 6.

Senator Ketron moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-301(a), is amended by deleting such subsection in its entirety and by substituting instead the following:

(a) In all counties, the attesting official shall update the voter's computerized voter history by making the appropriate data entry. Upon issuance of an absentee ballot, the voter may not thereafter vote in the election except by absentee ballot; provided, however, that if the ballot is issued pursuant to § 2-6-502 this subsection does not apply.

SECTION 2. Tennessee Code Annotated, Section 2-6-502(b), is amended by adding the language "social security number," after the language "name," but before the word "date" in the first sentence.

SECTION 3. Tennessee Code Annotated, Section 2-6-502(b), is further amended by adding the following language after the period of the last sentence:

The social security number, date of birth, mailing address and electronic mailing address contained on such application shall be confidential and not subject to the open records law compiled in Title 10, Chapter 7.

SECTION 4. Tennessee Code Annotated, Section 2-6-502, is amended by deleting subsection (e) in its entirety and by substituting instead the following:

Upon determining whether the applicant is entitled to register, vote, or both in the election, the administrator of elections shall proceed under the general provisions of this chapter for voting absentee by mail or under procedures determined by the coordinator of elections for electronically transmitting voting materials. In all counties, the attesting official shall update the voter's computerized voter history by making the appropriate data entry.

SECTION 5. Tennessee Code Annotated, Section 2-6-503, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Not later than forty-five (45) days before a federal election, as defined in § 2-1-104, the administrator of elections shall mail a ballot or electronically transfer a ballot to each member of the armed forces and each citizen temporarily outside the United States who is entitled to vote and who has submitted a valid application for a ballot. The ballot shall be mailed or electronically transferred in accordance with the preferred method of transmission designated by the applicant. If no preferred method is specified, the ballot shall be mailed. Nothing herein shall be construed to permit the transfer of a ballot by use of a fax machine or to permit a ballot which has been voted by an applicant to be electronically received by the election commission. The coordinator of elections is authorized to develop rules and procedures to ensure full compliance with federal law. The mailed ballot or the electronically transferred ballot shall be in one of the following forms:

(1) An official absentee ballot that complies with the requirements of Chapter 5, Part 2 of this title and this chapter; or

(2) A write-in ballot that is substantially identical to an absentee ballot described in subdivision (a)(1), except that no candidates' names shall be listed anywhere on the ballot. In addition to this write-in ballot, the administrator of elections shall include a complete list of all candidates who have qualified for the offices listed on the write-in ballot.

SECTION 6. Tennessee Code Annotated, Section 2-6-503, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)(1) Compliance with the time requirements of subsection (a) is required for any federal election as defined by § 2-1-104. For any other election, if the coordinator of elections determines the appropriate qualifying or filing deadline does not reasonably allow compliance, the administrator of elections shall mail or electronically transfer a ballot not later than thirty (30) days before the election.

(2) If the coordinator of elections determines an undue hardship exists for any federal election which prevents a county from complying with the time requirements of subsection (a), the coordinator of elections shall request a waiver as permitted under federal law.

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SECTION 7. Tennessee Code Annotated, Section 2-6-503, is amended by adding the following language as a new subsection (c):

(c) If a vacancy occurs in the office of representatives in congress, and the coordinator of elections determines an undue hardship exists and a timely waiver may not be granted, preventing an election commission from complying with the time requirements of § 2-6-503(a), the following shall apply:

(1) Notwithstanding the time established in § 2-16-101 for calling for a special election, within ten (10) days of the vacancy occurring, the governor shall, by writs of election, order a special election to fill the vacancy. The governor shall first determine whether the special election may be held in conjunction with an upcoming regular primary or general election as provided in § 2-14-102.

(2) If the special election cannot be held in such manner, the governor shall, by writ of election, set a date not less than seventy-five (75) nor more than eighty (80) days from the date of the writ for primary election for nominations by statewide political parties to fill the vacancy and shall, by the same writ of election, set a date of not less than one hundred thirty (130) nor more than one hundred thirty-five (135) days from the date of the writ for a general election to fill the vacancy. Candidates for the primary elections and independent candidates for the general election shall qualify as required in regular elections but shall file qualifying petitions no later than twelve o'clock (12:00) noon, prevailing time, on the eighth Tuesday before the day of the primary elections. A candidate's request to withdraw shall be filed no later than twelve o'clock (12:00) noon, prevailing time, on the third day after the qualifying deadline.

(3) Except where this section makes different provisions, Chapter 14 of this title shall govern elections required by this section. The state primary boards shall perform their duties under Chapter 8 of this title with respect to primaries held under this section as quickly as practicable and shall certify the nominees of their parties to the county election commissions no later than twelve o'clock (12:00) noon, prevailing time, on the fiftieth day before the day of the general election.

SECTION 8. This act shall take effect August 20, 2010, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2681**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

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A motion to reconsider was tabled.

Senate Bill No. 3522 -- Trusts -- As introduced, updates the trust laws. Amends TCA Title 35; Title 45, Chapter 2 and Title 66, as amended.

Senator Johnson declared Rule 13 on **Senate Bill No. 3522**, as amended.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language to the end of subsection (d) in Section 7 of the bill as amended by amendment # 1422233:

This subsection (d) shall not limit a creditor's remedies under the Uniform Fraudulent Transfer Act, compiled in Title 66, Chapter 3, Part 3, regarding the settlor's transfers to such trust.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Thereupon, **Senate Bill No. 3522**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 3553 -- Alcoholic Beverages -- As introduced, adds Pates Ford Marina in DeKalb County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort. Amends TCA Section 57-4-102(24).

Senate Bill No. 3553 passed its third and final consideration by the following vote:

Ayes	25
Noes	5

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Senators voting aye were: Barnes, Berke, Black, Burchett, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Stewart, Tate, Watson, Woodson, Yager and Mr. Speaker Ramsey--25.

Senators voting no were: Beavers, Bunch, Burks, Herron and Southerland--5.

A motion to reconsider was tabled.

Senate Bill No. 3578 -- Alcoholic Offenses -- As introduced, allows Walking Horse Hotel in Bedford County to sell alcoholic beverages for consumption on premises. Amends TCA Section 57-4-102.

Senate Bill No. 3578 passed its third and final consideration by the following vote:

Ayes	22
Noes	5

Senators voting aye were: Barnes, Berke, Burchett, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Overbey, Stewart, Tate, Woodson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Beavers, Bunch, Burks, Herron and Southerland--5.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 3814** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Johnson moved that **Senate Bill No. 3815** be rereferred to the Committee on Calendar, which motion prevailed.

Senator Henry moved that **Senate Bill No. 3870** be placed on the Calendar for Thursday, February 25, 2010, which motion prevailed.

Senator Gresham moved that **Senate Joint Resolution No. 764** be rereferred to the Committee on Calendar, which motion prevailed.

House Joint Resolution No. 369 -- Memorials, Congress -- Urges United States Senate to reject ratification of United Nations Convention on the Rights of the Child.

House Joint Resolution No. 369 was concurred in by the following vote:

Ayes	26
Noes	3
Present, not voting . . .	1

Senators voting aye were: Beavers, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Southerland, Stewart, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Harper and Marrero--3.

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Senator present and not voting was: Haynes--1.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Senator Marrero, **Senate Bill No. 3799** was recalled from the Committee on Transportation.

REFERRAL OF BILL

Senator Marrero moved that Senate Bill No. 3799 be referred to the Committee on Government Operations, which motion prevailed.

MOTION

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolution No. 759**.

On motion of Senator Woodson, her name was added as sponsor of **Senate Joint Resolution No. 760**.

On motion of Senators Herron, Barnes, Beavers, Berke, Black, Bunch, Burchett, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 778**.

On motion of Senator Finney, his name was added as sponsor of **House Joint Resolution No. 804**.

On motion of Senators Barnes and Herron, their names were added as sponsors of **House Joint Resolution No. 808**.

On motion of Senators Southerland, Henry, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 809**.

On motion of Senators Southerland, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 810**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolutions Nos. 811 and 812**.

On motion of Senator Jackson, his name was added as sponsor of **House Joint Resolutions Nos. 814, 815 and 816**.

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolutions Nos. 369, 818 and 819**.

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On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolution No. 821**.

On motion of Senators Marrero, Haynes, Barnes, Harper and Ford, their names were added as sponsors of **Senate Bill No. 983**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 2584, 2585 and 2587**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 3031**.

On motion of Senators Norris, Overbey, Faulk, Johnson, Barnes, Herron, Burks and Finney, their names were added as sponsors of **Senate Bill No. 2681**.

On motion of Senator Marrero, her name was added as sponsor of **Senate Bill No. 3826**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 2796; and Senate Joint Resolution No. 788**.

On motion of Senator Norris, his name was added as sponsor of **Senate Bill No. 3824; and House Joint Resolution No. 805**.

On motion of Senator Gresham, her name was added as sponsor of **Senate Bill No. 2974**.

On motion of Senator Tracy, his name was added as sponsor of **Senate Joint Resolutions Nos. 25 and 682**.

On motion of Senators Barnes, Beavers, Black, Bunch, Burks, Crowe, Faulk, Finney, Haynes, Jackson, Johnson, Kelsey, Ketron, Norris, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 764**.

On motion of Senator Stewart, his name was added as sponsor of **House Joint Resolution No. 849**.

On motion of Senator Henry, his name was added as sponsor of **Senate Resolution No. 198**.

On motion of Senator Finney, his name was removed as sponsor of **Senate Bill No. 3553**.

ENGROSSED BILLS

February 22, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2576, 2577 and 2578; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENGROSSED BILLS

February 22, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2584, 2585, 2681, 3031, 3522, 3553 and 3578; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

February 22, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 759, 778 and 788; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

February 22, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 803, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 770, 2500, 2650, 2758 and 2778; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 776, 823, 839, 840, 842, 844, 845, 846, 847, 848, 849, 853, 854, 855, 856, 857 and 858; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 675, 2570, 2577, 2613 and 2637; substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2551, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 780 and 788, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 675, 2551, 2570, 2577, 2613 and 2637; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

February 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 780 and 788, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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ENROLLED BILLS

February 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 198, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 23, 2010

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 699, 1360, 2069, 2376, 2415, 2487, 2571 and 2741; and House Joint Resolutions Nos. 369, 749, 804, 805, 808, 809, 810, 811, 812, 814, 815, 816, 818, 819 and 821; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 22, 2010

The Speaker announced that he had signed the following: Senate Bill No. 2417.

SIGNED

February 22, 2010

The Speaker announced that he had signed the following: House Bill No. 2414.

SIGNED

February 23, 2010

The Speaker announced that he had signed the following: Senate Bills Nos. 675, 2551, 2570, 2577, 2613 and 2637.

SIGNED

February 23, 2010

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 780 and 788.

SIGNED

February 23, 2010

The Speaker announced that he had signed the following: Senate Resolution No. 198.

SIGNED

February 23, 2010

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 369, 749, 804, 805, 808, 809, 810, 811, 812, 814, 815, 816, 818, 819 and 821.

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MESSAGE FROM THE HOUSE

February 22, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2417, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 23, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 780 and 788, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2417, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 23, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 780 and 788, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 25, 2010: Senate Joint Resolutions Nos. 799 and 800; and House Joint Resolutions Nos. 803, 822, 824, 825, 826, 827, 828, 829, 831, 835, 836, 837 and 838.

This the 23rd day of February, 2010.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 25, 2010: Senate Bills Nos. 2587, 2624, 2649 and 3172.

This the 23rd day of February, 2010.
MIKE FAULK, Chairperson.

MONDAY, FEBRUARY 22, 2010 -- 59TH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 25, 2010: Senate Bills Nos. 670 and 3872; Senate Resolution No. 176; and Senate Bills Nos. 3144 and 3870.

This the 23rd day of February, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, February 24, 2010, which motion prevailed.